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UNITED STATE COURT OF THE DISTRICT OF HAWAII

JAMES GRELL and ANDREW TETER,	}	Civil Action No. 1-19-cv-183-ACK-WRP Memorandum in Support of Motion
Plaintiffs,		
vs.		
CLARE E. CONNORS, <i>et al.</i>		
Defendants.		

Memorandum in Support of Motion

Pursuant to Rule 7 (b) of the Federal Rules of Civil Procedure and Local Rule 7, Hawaii Firearms Coalition respectfully requests this Court grant leave to file an amicus curiae brief in support of the Plaintiffs in this matter. The proposed brief is set forth as Exhibit "B" for the convenience of the Court and counsel. As set forth in the Declaration of Kevin O'Grady, all parties were asked for consent for the Hawaii Firearms Coalition to participate as *amicus curiae*. Plaintiffs and Defendants have provided consent. As supported by the legal authorities set forth below, this Court should grant this motion. As such and as set forth below, this Court has broad discretion to

grant amicus status to the Hawaii Firearms Coalition and it is urged to grant this motion.

I. I D E N T I T Y O F A M I C U S C U R I A E

The Hawaii Firearms Coalition is a non-profit member organization incorporated under the laws of the State of Hawaii with its principal place of business in Honolulu, Hawaii. Hawaii Firearms Coalition promotes legislative and legal action, as well as research, publishing, and advocacy, grass roots activism in support of people's civil liberties, specifically the Second Amendment. Its involvement in current litigation includes Second Amendment matters. The Hawaii Firearms Coalition has knowledge regarding this appeal which will be of assistance to the court in rendering a verdict.

II. S U M M A R Y O F P R O P O S E D A M I C U S B R I E F

The proposed brief¹ provides an overview of longstanding Supreme Court Second Amendment jurisprudence, the history behind and supporting the broad concept of arms, carrying of arms and possession of arms. The brief discusses the significant and in fact ancient underpinnings of that broad concept of the possession and carrying of arms to include an equally broad concept of the idea of "arms" encompassing considerably more than firearms and specifically addressing the concept of edged weapons. As the

¹ Attached as Exhibit B.

Heller matter thoroughly examined the ancient underpinning of the origins of the Second Amendment, so too must any analysis of a statute, like the one in question in the current matter.

III. ARGUMENT

A. Court has Broad Discretion to Authorize Amicus Parties

This Court has the discretion to grant this motion and allow the Hawaii Firearms Coalition to file its brief. Hoptowit v. Ray, 682 F.2d 1237 (9th Cir. 1982). The classic role of amici curiae is three-fold: (1) assist in a case of general public interest; (2) to supplement the efforts of counsel; and (3) to draw the court's attention to law that escaped consideration.

The Hawaii Firearms Coalition's brief accomplishes the three aims of this formulation. First, the brief puts Hawaii's law in the context of a broader national discussion regarding arms other than firearms. The Hawaii Firearms Coalition brief will focus directly on several arguably dispositive issues that should assist the Court in the ultimate resolution of this lawsuit. Similarly, it provides a historical framework which might not otherwise be considered and which necessarily supplements the efforts of counsel.

B. Hawaii Firearms Coalition Brief Will Assist the Court

The Hawaii Firearms Coalition's brief can help inform the Court of the historical underpinning of the Second Amendment which will assist the court in

determining if the arms in question are covered by the Second Amendment.

IV. CONCLUSION

Per the cited authorities, this Court has wide discretion to allow amicus status. The parties have been consulted and, with the exception of the Defendants, have consented to Hawaii Firearms Coalition filing an amicus curiae brief in this matter. Hawaii Firearms Coalition, therefore, respectfully requests this Court grant this motion and grant leave to file the proposed brief.

Respectfully submitted this 15th day of January, 2020,

By: /s/ Kevin O'Grady
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